

CONFLICT OF INTEREST CODE ADOPTION PROCEDURES

ADOPTION OF CODE WITHIN 6 MONTHS OF CREATION OF AGENCY

- 1) Prepare an initial proposed code (once organization chart is developed/ratified by Board)
- 2) Prepare a notice of intention to adopt a conflict of interest code, which either schedules a public hearing or establishes a written comment period

Board action directing staff to initiate rulemaking proceedings

- 3) File a copy of notice with Office of Administrative Law (OAL) for publication in the California Notice Register at least 60 days before the public hearing or close of comment period
- 4) File an endorsed copy by OAL with FPPC at least 45 days before public hearing or close of written comment period
- 5) Provide notice pursuant to Government Code section 87311, including a copy of notice to each employee of agency affected by proposed code at least 45 days before public hearing or close of comment period by serving employees individually, posting notice on employee bulletin boards, or by publishing notice in employee newsletter
- 6) Make the proposed code available for inspection and copying to interested persons for at least 45 days prior to public hearing or close of comment period
- 7) Accept written comments from interested persons through conclusion of public hearing or close of comment period
- 8) Conduct public hearing on proposed code if scheduled or otherwise requested by an interested person

Board action adopting final proposed code and directing transmittal to FPPC for approval

- 9) Transmit final proposed code in strikeout/underline to FPPC accompanied by:
 - a. Declaration of Chief Executive Officer
 - b. Summary of any hearing held by agency
 - c. Copies of all written submissions made to agency regarding proposed code
 - d. Written explanation of reasons for designations and disclosure responsibilities of officers, employees, members or consultants of agency

- e. Names and addresses of all persons who participated in any public hearing on the proposed code and to all persons who requested notice from agency of the date of the Commission hearing on the adoption of the code
- f. Current organizational chart of agency
- g. Job descriptions for all designated employees
- h. Copy of statutory authority under which agency was created with specific citations to provisions setting forth duties and responsibilities of agency
- i. Identity of the person to whom the agency reports
- j. Copy of last annual or regular report prepared by agency, or if there is no report, copies of recent minutes of agency meetings
- k. Brief description of duties and terms of all consultants working with agency who are not designated employees
- l. FPPC Executive Director shall either
 - i. Prepare a notice which specifies written comment period and date which written comments must be received in order for them to be considered and send notice to all persons who have requested notice at least 45 days before the hearing; or
 - ii. Return proposed code to agency with written recommendations for revision. If an agency objects to the recommendations for revision, a hearing may be requested before the FPPC.
- m. If no hearing is requested as set forth above, FPPC Executive Director at end of 45 day written comment period shall either approve the code or return the code to agency for revision.
- n. If hearing is requested, the FPPC shall approve the proposed code, revise the proposed code and approve it as revised or direct FPPC Executive Director to return proposed code to agency for revision and resubmission within 60 days.
- o. If code approved, the FPPC Executive Director shall return copy of code or amendment to agency with notification of FPPC approval
- p. Code as approved by FPPC shall be transmitted within 30 days by agency to OAL, which shall file code promptly with Secretary of State without further review
- q. Code becomes effective on 30th day after date of filing with Secretary of State

- r. Code shall be maintained in office of Chief Executive Officer of agency and made available for inspection and copying during business hours. FPPC will also maintain a copy at their offices